

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/10/21

\_\_\_\_\_  
ANTHONY BOYKIN,

Petitioner,

21 CV 3146 (CM)

-against-

10 CR 391-01 (CM)

UNITED STATES OF AMERICA,

Respondent.  
\_\_\_\_\_

ORDER APOINTING COUNSEL AND SCHEDULING DEADLINE FOR SUPPLEMENTAL  
FILINGS ON PETITIONER'S MOTION PURSUANT TO 28 U.S.C. § 2255

McMahon, J.:

Movant Anthony Boykin was convicted of racketeering and conspiracy to commit racketeering, 18 U.S.C. §§ 1961(d), 1962(d); murder and conspiracy to commit murder in aid of racketeering, 18 U.S.C. §§ 1959(a)(1), (5); assault and attempted murder in aid of racketeering, 18 U.S.C. §§ 1959(a)(3), (5); conspiracy to distribute and possession with intent to distribute crack cocaine, 21 U.S.C. § 846; and possession of a firearm in furtherance of a drug trafficking offense and a crime of violence, 18 U.S.C. § 924(c)(1)(A)(ii). The Court sentenced Boykin to life plus thirty-two years in prison. *See United States v. Boykin*, No. 10-CR-0391-01 (CM) (S.D.N.Y. Mar. 20, 2014), *aff'd* 660 F. App'x 35 (2d Cir. 2016) (summary order).

Boykin filed a motion under 28 U.S.C. § 2255, which the Court denied on September 21, 2018. *See Boykin v. United States*, No. 18-CV-00736 (CM) (S.D.N.Y. Sept. 21, 2018), *appeal dismissed*, 18-3314 (2d Cir. July 22, 2019).

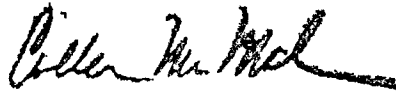
On April 5, 2021, the Second Circuit granted Boykin leave to file a successive 28 U.S.C. § 2255 motion, "primarily based on" *United States v. Davis*, 139 S. Ct. 2319 (2019), and transferred the matter here for further proceedings. *See Boykin v. United States*, No. 20-13 (2d Cir. Apr. 5, 2021) (noting Boykin's argument that "one of his 18 U.S.C. §924(c) convictions is no longer supported by

a valid predicate after *Davis*.” (ECF 1:21-CV-03146, 1)).

The Court is appointing attorney, Sarah E. Aberg, from the CJA panel, to represent Boykin in connection with his § 2255 motion. Counsel should review Boykin’s filings and report back to the Court within 30 days on how counsel wishes to proceed. If counsel decides she will be supplementing Boykin’s *pro se* motion, counsel’s papers must be filed within 60 days; the Government will have 30 days thereafter to file a response.

This constitutes the order of the Court.<sup>1</sup>

Dated: May 10, 2021

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

---

Colleen McMahon  
District Court Judge

---

<sup>1</sup> Nothing in this order shall be construed as a ruling by the Court on the merits, timeliness or otherwise procedural correctness of petitioner’s filings.